

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)
)
v.) No. 2:22-CR-110
)
ZACHARY ASHLEY)

ORDER

This matter is before the Court on United States Magistrate Judge Cynthia R. Wyrick's Report and Recommendation [Doc. 227], in which Judge Wyrick recommends the Court accept Defendant's guilty plea to the lesser included offense of Count One of the Indictment [Doc. 3], the lesser included offense of Count One being conspiracy to distribute 5 grams or more of methamphetamine, its salts, isomers, and salts of its isomers, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(B), adjudge him guilty of that charge, and order that he remain in custody pending his sentencing hearing. Neither party has timely filed an objection to the Report and Recommendation. *See* 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b).

Having reviewed the record, the Court agrees with Judge Wyrick's recommendation. The Court therefore **ACCEPTS IN WHOLE** the report and recommendation under 28 U.S.C. § 636(b)(1) and Federal Rule of Criminal Procedure 59(b). For the reasons in the Report and Recommendation, which the Court adopts and incorporates into this Order, the Court **ACCEPTS** Defendant's guilty plea, and Defendant is hereby **ADJUDGED** guilty of the lesser included offense of Count One of the Indictment. The Court will defer a decision as to whether to accept or reject the Plea Agreement [Doc. 220] until after it has received a presentence investigation report from the United States Probation Office. Defendant **SHALL** remain in custody pending his sentencing hearing.

So ordered.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE